

Clearance of Agency Activity

Rhode Island Department of Children, Youth and Families

Policy: 700.0105

Effective Date: July 7, 1984 Revised Date: August 20, 2001 Version: 2

Rhode Island General Law (RIGL 40-13.2-2; 40-13.2-3.1; 42-72.1-3) and Department policy require certain individuals to be cleared for current and/or prior involvement with the Department of Children, Youth and Families. Additionally, in certain instances, federal and state law and agency policy mandate employment and criminal background checks and fingerprinting.

In accordance with RIGL 40-13.2-2, any person seeking to operate and/or be employed (if that employment involves supervisory or disciplinary power over a child or children without the presence of other employees) within a facility or program that is required to be licensed or certified by the Department or any individual seeking such employment at the Training School for Youth shall undergo an employment background check, a criminal records check and a DCYF records check for substantiated child abuse and/or neglect. RIGL 40-13.2-3.1 requires these individuals to apply to the Department for a DCYF clearance. The Department is responsible under RIGL (40-13.2-7; 42-72.1-3) to promulgate regulations pertaining to the licensing and monitoring of child care providers and child placement agencies, including provisions for employment, criminal and DCYF records checks (see policies relating to employment and criminal background checks referenced below). This policy applies to both adult and minor perpetrators.

The following are subject to DCYF clearance:

- Subjects of reports of child abuse and/or neglect to the Call Floor
- Individuals referred to the Department for services
- Adult members of household where child active with DCYF resides
- Individuals associated with DCYF involved families
- Relative and non-relative foster care providers
- Adoptive parents
- Respite Care Providers
- Residential child care facility operators and employees who have supervisory/disciplinary authority over children without the presence of others
- Nonresidential child care facility operators and employees who have supervisory/disciplinary authority over children without the presence of others
- Child Placing Agency operators and employees who have supervisory/disciplinary authority over children without the presence of others
- DCYF employees, interns and volunteers
- Individuals associated with organizations determined by DCYF to require check

The two major DCYF clearance sources are RICHIST and Masterfile.

- **RICHIST** (Rhode Island Children's Information System) is the Department's automated information system designed to record our work on behalf of our clients and the state. It is the required method of documenting the Department's work. This

comprehensive system is designed to link all of the Department's case-related functions into an integrated system. RICHIST includes information relating to individuals and families, providers, client services, finances and staff. The system contains all information relating to investigations, early warning calls and runaway reports and provides information about those cases opened or closed to the Department after January, 1983. It also provides extensive information regarding service activity, placement activity and legal status.

- **Masterfile** contains historical information relating to cases which are not included in the RICHIST database. Individuals are cleared through this system when it is determined that this dated information may be relevant.

A clearance or "Person Search" is completed in RICHIST prior to a person working or serving in a role subject to a DCYF records clearance. Notification of the results of the clearance is provided to the applicant and employer or requesting organization, providing the applicant has authorized the release of information. A Person Search is not repeated for Facility Operators/Facility Employees for the renewal of a license. An additional clearance is completed for the renewal of a foster care license and for the renewal of a home day care certification.

The ***Clearance of Agency Activity-Addendum, Disqualifying Information*** is a listing of indicated allegations of child abuse and/or neglect which disqualify a person from working or serving in a role subject to a DCYF records clearance. Most of the listed indicated findings of abuse and/or neglect automatically disqualify an individual from acting in such a capacity. However, administrative discretion is allowed in a case where the only indicated finding is **Drug/Alcohol Abuse (#15), Excessive/Inappropriate Discipline (#10) or Cut/Bruise/Welt (#11)**. In limited situations, involving incidents in which there is no serious physical injury to a child, there can be an administrative determination that, notwithstanding an indication of one of these three allegations, the individual will not be disqualified from employment or licensing/certification. In instances where there are indicated allegations of child abuse and/or neglect, which are not included in the ***Clearance of Agency Activity-Addendum, Disqualifying Information***, the applicant is not automatically disqualified from seeking employment, license or certification. The decision to hire remains with the employer. The decision to license or certify remains with the Department..

During the course of conducting a DCYF clearance, a staff person may discover information about the applicant, not relating to disqualifying child abuse and/or neglect, which he or she believes poses "a risk of physical injury by the person to himself or herself or others and that disclosure of the records is necessary to reduce that risk". In this situation, the staff person consults with the Department's Chief Legal Counsel to determine if disclosure of this information is permissible under RIGL 42-72-8, Confidentiality of Records.

Child Protective Services Investigative and Screening/Intake Staff initiate and complete DCYF clearances relating to their assignments. Family Services, Children's Behavioral Health, Foster Care Licensing and Program Development, Contracts and Standards staff

initiate and complete RICHIST clearances (residential facility operator or employee, child placing agency, relative and non-relative foster care licensing and relicensing, pre-adoptive placement, case participant and other non-employment background checks) relating to assigned case and/or provider. The Records Center staff provide Masterfile clearance, if required, and assistance, if needed, on complex cases.

Agency clearances for prospective day care operators and employees, Department of Human Service's (DHS) programs, DCYF Personnel (including volunteers, interns and DCYF Employees) and individuals associated with other organizations requiring DCYF checks are completed by Records Center staff.

Related Procedure and Addendum...

Clearance of Agency Activity

Clearance of Agency Activity-Addendum, Disqualifying Information

Clearance of Agency Activity

Procedure From Policy 700.0105: Clearance of Agency Activity

A. Clearances completed by Staff Assigned to the Case

1. **Child Protective Services Investigative and Screening/Intake staff initiate and complete all DCYF clearances relating to their assignments.**
 - a. Staff are responsible for the following clearances:
 - i. Subjects of reports of child abuse and/or neglect to the Call Floor
 - ii. Individuals referred to the Department for services
 - iii. Adult members of household where child active with DCYF resides
 - iv. Individuals associated with DCYF involved families
 - v. Emergency child specific relative and non-relative placement resources
 - b. Call Floor or Intake/Screening worker completes a RICHIST Person Search and Masterfile check for all subjects of a referral.
 - c. In emergency situations a complete check of this data cannot delay the processing of a referral and there may only be time to make the minimum clearance to determine if the subject of the report is currently active with the Department or has had prior agency involvement.
 - d. The assigned CPI or Intake Worker is responsible to ensure that a comprehensive records check is completed as soon as possible. Clearances must be completed before a case is transferred to FSU. (see [RICHIST Help, How Do I, Agency Clearances](#)).
 - e. The clearance for an individual listed in a. i, ii, iii and iv above is documented in the Person Management window in RICHIST.
 - f. The clearance for an emergency child specific placement resource (relative and non-relative) is documented on the DCYF #035, DCYF Clearance Request/Results and included in the hard copy record. If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.
 - i. If the DCYF clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.
 - ii. Worker/supervisor reviews the [Clearance of Agency Activity-Addendum Disqualifying Information](#), utilized for all clearances conducted by the Department, to determine if indicated allegations of child abuse and/or neglect will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a DCYF records clearance (see C. below).
 - iii. Specific procedures relating to processing and notification are outlined in [Policy 900.0020, Licensing of Foster Care Homes](#).
2. **Family Services, including Adoption Promotion and Support**
 - a. Staff initiate and complete the following RICHIST clearances relating to assigned case (see [RICHIST Help, How Do I, Agency Clearances](#)).

- i. Case related checks e.g., adult members of household where child active with DCYF resides, individuals associated with DCYF involved families
 - ii. Emergency child specific relative and non-relative placement resources
 - iii. Adoptive Homes
 - b. All information obtained through the clearance is recorded on the DCYF #035 and included in the hard copy record. If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.
 - c. Records Center staff provides Masterfile clearance and/or assistance, if needed, on complex cases.
 - d. If the DCYF clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.
 - e. Worker/supervisor reviews the Clearance of Agency Activity-Addendum, Disqualifying Information, utilized for all clearances conducted by the Department, to determine if indicated allegations of child abuse and/or neglect will disqualify a person from obtaining a license/certification or serving in any other role subject to a DCYF records clearance (see C. below).
 - f. Specific procedures relating to processing and notification of a clearance for an emergency child specific placement resource (relative and non-relative) are outlined in Policy 900.0020, Licensing of Foster Care Homes.
 - g. The Adoption Promotion and Support Unit informs prospective adoptive parents of the clearance results and, if there is disqualifying information, of the right to appeal.
3. **Foster Care Licensing, Children's Behavioral Health and Program Development, Contracts and Standards staff initiate and complete the following RICHIST clearances (see RICHIST Help, How Do I, Agency Clearances) relating to assigned case and/or provider.**
- a. Staff are responsible for the following clearances.
 - i. Residential facility operator or employee
 - ii. Child placing agency providers
 - iii. Relative and non-relative foster care licensing and relicensing
 - b. All information obtained through the clearance is recorded on the DCYF #035 and included in the hard copy record. Child care facilities utilize the DCYF #035A, DCYF Clearance Request/Results (Facility). If there is a person record for the individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.
 - c. Records Center staff provides Masterfile clearance and/or assistance, if needed, on complex cases.
 - d. If the DCYF clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.

- e. Worker/supervisor reviews the [Clearance of Agency Activity-Addendum, Disqualifying Information](#), utilized for all clearances conducted by the Department, to determine if indicated allegations of child abuse and/or neglect will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a DCYF records clearance (see C. below).
- f. Specific procedures relating to processing and notification for employment related clearances are outlined below in D, **Clearances for Employment Purposes** - Facility Operators/Employees.
- g. Specific procedures relating to processing and notification of clearances for foster care licensing are outlined in [Policy 900.0020, Licensing of Foster Care Homes](#).

B. Clearances Completed by Records Center Staff

- 1. Records Center staff complete the following DCYF clearances:
 - a. DCYF Personnel (including volunteers, interns and Rhode Island Training School Employees)
 - b. Prospective day care operators and employees
 - c. Department of Human Service's (DHS) programs
 - d. Individuals associated with organizations determined by DCYF administration to require check
 - e. Requests from Other States
- 2. Records Center receives requests for clearance from DCYF staff and other agencies and organizations. Requesting staff person completes Section I of the DCYF #035, DCYF Clearance Request/Results and forwards to the Record Center. Child care facilities utilize the DCYF #035A, DCYF Clearance Request/Results (Facility).
- 3. Records Center staff gathers information necessary to evaluate the clearance from RICHIST (see [RICHIST Help, How Do I, Agency Clearances](#)) and, if needed, Masterfile, enters information in Section II of the DCYF #035 or #035A and returns the completed form to the requesting staff person or appropriate unit. For those clearances referenced in 1. c, d, and e above, the completed #035 or #035A is submitted to Records Center administrator or designee who forwards the results of the clearance to the requesting agency.
- 4. If the DCYF clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.
- 5. Worker/supervisor reviews the [Clearance of Agency Activity-Addendum, Disqualifying Information](#), utilized for all clearances conducted by the Department, to determine if indicated allegations of child abuse and/or neglect will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a DCYF records clearance (see C. below).
- 6. The requesting staff person makes the final determination and informs the appropriate individuals of the clearance outcome. The completed DCYF #035 or #035A is included in the hard copy record. If there is a person record for the

individual in RICHIST, the clearance is documented in the Background Check section of the Person Management window in RICHIST.

7. Specific procedures relating to processing and notification for employment related clearances are outlined below in D, **Clearances for Employment Purposes - Facility Operators/Employees.**

C. **Disqualifying Information** - The Clearance of Agency Activity-Addendum, Disqualifying Information, utilized for all Person Search checks conducted by the Department, lists indicated allegations of child abuse and/or neglect which disqualify a person from working, obtaining a license/certification or serving in any other role subject to a DCYF records clearance.

1. Most of the indicated findings of abuse and/or neglect listed automatically disqualify an individual from acting in such a capacity.
2. Administrative discretion is allowed in a case where the only indicated finding is **Excessive/Inappropriate Discipline (#10), Cut/Bruise/Welt (#11) or Drug/Alcohol Abuse (#15)** if there is no serious physical injury to a child. In these limited situations, there can be an administrative determination that, notwithstanding an indication of one of these three allegations, the individual should not be disqualified from employment or licensing/certification.
 - a. This determination can be made by the Executive Director, Associate Director, Chief of Child Protective Investigations, Chief of Program Development/Contracts, the Assistant Director of Children's Behavioral Health and the Licensing Administrator.
 - b. The Executive Director, Associate Director and Chief CPI are authorized to overturn the indicated finding.
 - c. If there is a difference of opinion between divisional administrators regarding the licensing of a placement based on one of these findings, the Associate Director and Executive Director review issues and make final determination.
3. During the course of conducting a DCYF clearance, if a staff person discovers information about the applicant, not relating to disqualifying child abuse and/or neglect, which he or she believes poses "a risk of physical injury by the person to himself or herself or others and that disclosure of the records is necessary to reduce that risk", the staff person consults with the Department's Chief Legal Counsel to determine if disclosure of such information is permissible under RIGL 42-72-8.

D. **Clearances for Employment Purposes - Facility Operators/Employees**

1. The following procedures apply to Child Care Operators and Employees and Child Placing agencies identified in RIGL 40-13.2-3.1
 - a. Residential child care facility operators and employees who have supervisory/disciplinary authority over children without the presence of others
 - i. Secure Care
 - ii. Residential Treatment
 - iii. Residential Group Care
 - iv. Wilderness Programs
 - v. Group Homes
 - vi. Shelter Care
 - vii. Supervised Apartment Living Programs

- viii. Independent Living Programs
 - b. Nonresidential child care facility operators and employees who have supervisory/disciplinary authority over children without the presence of others
 - i. Home day care
 - ii. Day care center
 - iii. Alternative Treatment Program
 - iv. In-Home Services Programs
 - v. Day Treatment Program
 - c. Child Placing Agencies
 - i. Agency operators
 - ii. Agency employees who have supervisory/disciplinary authority over children without the presence of others.
 - iii. Child Placing agency providers (Independent Living, supervised apartment, residential group care, adoptive and family foster care and respite providers)
 - d. RI Training School employees who have supervisory/disciplinary authority over children without the presence of others.
2. The Department receives request for clearance (DCYF #035 or #035A) with release of information signed by the applicant.
 3. The DCYF clearance is completed by the assigned worker or Records Center staff and results of the clearance are documented on the DCYF #035 or #035A.
 - a. If a clearance completed by Records Center was requested by a DCYF staff or unit , the #035 or #035A is forwarded to assigned worker or unit where it is determined if applicant is suitable for employment or licensing/certification.
 - b. If a clearance completed by Records Center was requested by an outside agency, the Records Center administrator or designee forwards the results of the clearance to the requesting agency.
 4. If the DCYF clearance reveals indicated finding(s) of child abuse and/or neglect and the applicant is identified as the indicated perpetrator, the worker or supervisor reviews relevant information in the record to ensure that the finding is accurate.
 5. Worker/supervisor reviews the Clearance of Agency Activity-Addendum, Disqualifying Information, utilized for all clearances conducted by the Department, to determine if indicated allegations of child abuse and/or neglect will disqualify a person from working, obtaining a license/certification or serving in any other role subject to a DCYF records clearance (see C above).
 6. The Department's Day Care Licensing Unit informs home day care applicants of any disqualifying information and of the right to appeal.
 7. The following notifications of clearance results are provided to facility employers and applicants by worker/supervisor.
 - a. **The DCYF #171, Employment Status Notification-Employer is forwarded to the employer** indicating the results of the clearance:
 - i. Indicated child abuse and/or neglect - Disqualifying Information
 - ii. Indicated child abuse and/or neglect - Not automatically disqualifying
 - iii. No record of indicated child abuse and/or neglect.

- b. The **DCYF #171 A, Employment Status Notification-Applicant** is **forwarded to the applicant** indicating the results of the clearance (i-iii below). If clearance reveals any indicated child abuse and/or neglect, the **DCYF #171 A** provides specific findings of i or ii below and the DCYF #016, Request for Hearing is forwarded to applicant. A Day Care Center applicant who has no record of indicated abuse and/or neglect (iii below) will be informed of the clearance results by the prospective employer.
 - i. Indicated child abuse and/or neglect - Disqualifying Information
 - ii. Indicated child abuse and/or neglect - Not automatically disqualifying
 - iii. No record of indicated child abuse and/or neglect.
- 8. The following notifications of clearance results are provided to requesting agencies by Records Center administrator or designee.
 - a. The **DCYF #171, Employment Status Notification-Employer** is **forwarded to the employer, except in situations involving DHS programs**, indicating the results of the clearance:
 - i. Indicated child abuse and/or neglect - Disqualifying Information
 - ii. Indicated child abuse and/or neglect - Not automatically disqualifying
 - iii. No record of indicated child abuse and/or neglect.
 - b. When the requesting agency is DHS, the **DCYF #171 A, Employment Status Notification-Applicant** is **forwarded to DHS** indicating the results of the clearance (i - iii below). DHS notifies the applicant of the clearance results.
 - i. Indicated child abuse and/or neglect - Disqualifying Information
 - ii. Indicated child abuse and/or neglect - Not automatically disqualifying Information
 - iii. No record of indicated child abuse and/or neglect.

Clearance of Agency Activity-Addendum, Disqualifying Information

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES
Clearance of Agency Activity - Addendum
Disqualifying Information**

An applicant, who has been identified as an indicated perpetrator of a Child Protective Services (CPS) Investigation with a final finding of an allegation listed below, is disqualified from owning or seeking employment in a child care facility, receiving a license or certification to provide care for a child or serving in any other role subject to DCYF clearance.

Indicated Abuse or Neglect Findings

Death (#1)
Brain Damage / Skull Fracture (#2)
Subdural Hematoma (#3)
Internal Injury (#4)
Malnutrition/Starvation (#8)
Drug / Alcohol Abuse (#15)*
Sexually Transmitted Disease (#30)
Sexual Intercourse (#31)
Sexual Exploitation (#32)
Sexual Molestation (#33)
Failure to Thrive (#48)

Indicated Abuse Findings

Burn/Scalding (#5)
Poisoning (#6)
Wound (#7)
Bone Fracture (#9)
Excessive / Inappropriate Discipline (#10)*
Cut / Bruise / Welt (#11)*
Human Bite (#12)
Sprain / Dislocation (#13)

* In limited situations, involving incidents in which there is no serious physical injury to a child, there can be an administrative determination that, notwithstanding an indication of one of these three allegations, the individual will not be disqualified from employment or licensing/certification.

In instances where CPS involvement is noted, but not specified above, the applicant is not automatically disqualified from seeking employment, license or certification. The decision to hire remains with the employer. The decision to license or certify remains with the Department.